

ARTICLE

Zombie resistance: Reanimated labour struggles and the legal geographies of authoritarian neoliberalism in Cambodia

Sabina Lawreniuk 

School of Geography, University of Nottingham, Nottingham, UK

Correspondence

Sabina Lawreniuk, School of Geography, University of Nottingham, Nottingham, UK
Email: sabina.lawreniuk@nottingham.ac.uk

FUNDING INFORMATION

This research was funded by a Leverhulme Early Career Fellowship, reference ECF-2017-270.

Abstract

As neoliberalism lurches through its zombie phase – intellectually dead but dominant – critical scholars chart the global ascendancy of authoritarian variants of neoliberalism. Distinguished, in particular, by the rise of constitutional and legal strategies to contain dissent and entrench exclusion, authors call for attention to the role of law in reproducing and regulating neoliberal policy. Previous research on the intersections of law and neoliberalism tends to emphasise law's role in maintaining rather than subverting hegemony. In this paper, I move away from domination-oriented accounts to consider the potential for resistance. I argue that renewed dialogue with legal geography and its erstwhile emphasis on contingency can recentre the agonistic dimensions of authoritarian rollout. I draw on evidence collected through a three-year institutional ethnography of the labour movement in Cambodia, examining the impacts of the 2016 Law on Trade Unions on labour and labour organising in the garment and footwear industry. I show how the law frustrates and criminalises union organisation in an attempt to insulate the state from the growing discontent provoked by Cambodia's uneven neoliberal development. In doing so, however, the law has inadvertently centred the state as the direct target of popular labour struggles no longer contained within disciplining trade union channels. By drawing attention to the complex entanglements of everyday activism and state efforts to contain dissent, the paper highlights the contradictions that manifest in the consolidation of authoritarian neoliberalism. I argue that legal geography helps elucidate how these contradictions are productive of new forms of crisis, where the rollout of zombie neoliberalism spawns recurrent reanimations of zombie resistance.

KEYWORDS

authoritarian neoliberalism, Cambodia, garment industry, labour, law, resistance

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1 | INTRODUCTION

In December 2013, a general strike mobilised 100,000 workers demanding wage rises in Cambodia's garment and footwear industry (AMRC, 2014). After weeks of unrest, the Cambodian government (hereafter Royal Government of Cambodia, or RGC) intervened in January 2014 to disperse demonstrators with lethal force. The largest protests in Cambodia's post-war history ended in one of the bloodiest days since the restoration of peace, as military police killed four striking workers. The 'crackdown' on this peaceful protest marked the beginning of an ongoing offensive against civil society freedoms. Alongside physical violence, the RGC has deployed legal reforms to contain dissenting groups (McCarthy & Un, 2017). The longer-term response to the unrest, for example, includes the Law on Trade Unions (2016). The administrative violence of new law coupled with the RGC's physical intimidation creates a civil society environment ranked among the 'most hostile' (ITUC, 2016) in the region.

This 'descent into direct dictatorship' (Cambodia Daily, 2017) has derailed Cambodia's 'triple transition' (Hughes, 2003). Following civil war, development partners subjected Cambodia to neoliberal 'shock therapy' (Flower, 2019, p. 941) reforms intended to steer a conversion from war to peace, authoritarianism to democracy, and from a planned to a free market economy. Three decades later, few retain faith in the promised apparition of this liberal trinity. The returns from a spell of 'miracle' (World Bank, 2018) GDP growth have been siphoned by an incumbent 'kleptocracy' (Springer, 2011) reliant on a 'tightening authoritarian grip' (O'Neill, 2017) to maintain hegemony. Further, in an apparent inversion of these modernising ambitions, Cambodia's citizens are not alone in feeling the steer of the state's right arm to compel their acquiescence to a global context of deepening crisis, exclusion and polarisation. Instead, as neoliberalism lurches through its 'zombie phase' (Peck, 2010, p. 109) – intellectually 'dead but dominant' – the market's invisible hand manifests in an iron glove.

Critical scholars now chart the ascendancy of 'authoritarian neoliberalism' (Bruff, 2014), denoting 'a qualitative change' (Fabry & Sandbeck, 2019, p. 110) in how states maintain hegemony in late capitalism: moving away from consent-seeking techniques towards a 'spectrum of disciplinary practices' (Tansel, 2017, p. 6, emphasis in original) to repress dissent. Extending beyond blunt violence, authoritarian neoliberalism notably co-opts 'constitutional and legal mechanisms' (Bruff, 2014, p. 116) to deter opposition. It captures, therefore, both President Trump's US Capitol insurrection of 2021, as well as the more muted spectacle of Prime Minister Johnson's attempted prorogation of the UK Parliament in 2019. Cambodia's own 'authoritarian turn' (Arsel et al., 2021, p. 261) is imbricated in these broader trajectories of change as 'authoritarianism goes global' (Rutzen, 2015).

Given the importance of constitutional and legislative mechanisms to contemporary reanimations of 'zombie neoliberalism' (Peck, 2010, p. 104), scholars are urged to 'rethink the relationship between the capitalist state and the role of the law in regulating and reproducing dominant policy paradigms, with law all too often being understood in a descriptive and analytically/politically neutral manner' (Bruff & Tansel, 2019, p. 237). In this paper, I directly address this call, proposing a rapprochement with legal geography to trace the entanglements of state, law and society in late capitalism. The call to initiate a move beyond 'analytically/politically neutral' accounts of law may affront legal geographers, whose subfield is defined by 'its refusal to accept either law or space as pre-political' (Blomley, 2009, p. 414). However, until recently, legal geography has engaged little with political economy, (Orzeck & Hae, 2020, p. 838) and neoliberalism (Delaney, 2015, p. 97) in particular. Bringing the two into dialogue, I interrogate neoliberalism as 'not only a political or economic phenomenon, but also an inherently juridical one' (Butler & Crawley, 2018, p. 265), from inception consumed with the fraught politics of re-regulation.

Legal geography advocates 'fine-grained' (Bennett & Layard, 2015, p. 408) accounts that attend to the 'actual messiness' of socio-legal relations 'on the ground' (Orzeck & Hae, 2020, p. 840). Building on this canon, I take the labour struggles of Cambodian garment and footwear workers as an empirical site to examine the everyday dis- and re-entanglements of law, society and neoliberalism. I draw from a three-year institutional ethnography of the labour movement conducted between 2017 and 2020. During this time, I engaged with hundreds of participants including workers, unionists, industry associations and regulators, and government. My fieldwork was informed by a decade of previous research in Cambodia, focusing on working life (Lawreniuk & Parsons, 2017, 2020; Parsons et al., 2014) and labour struggles (Lawreniuk & Parsons, 2018). Exchanges took place in Khmer with the assistance of a native speaker. This original material is complemented by secondary data curated from media and civil society reporting, and archival records.

Throughout my study, the labour movement was embroiled in a fraught and ongoing contestation with the state. At the vanguard of Cambodia's free market reforms, some 800,000 garment workers have been incorporated into an industry responsible for Cambodia's searing record of economic growth since liberalisation. Ninety per cent are women, often young women from rural areas, living and working away from home for the first time. Initial optimism that the sector

might offer emancipation from strict gender norms and codes (Brickell, 2020) has ceded to concern that employment practices further exploit these oppressions.

With remuneration historically locked below subsistence levels, these women workers have been denied a share of the spoils from Cambodia's macroeconomic 'miracle' (World Bank, 2018). Instead, real wages fell until 2013. Substantive improvements to the sector's limited protections, benefits and conditions have not manifested over time as modernisers predicted. Instead, these have become locked in as Cambodia's own climate of 'permanent austerity' (Bruff & Tansel, 2019, p. 233) calcifies. Increasingly disenchanted by their disenfranchisement, grassroots agitation has challenged the deprivations of the neoliberal state through mass demonstrations in 2010 and 2013 (Lawreniuk, 2020). The outcomes have been ambiguous, however, prompting the RGC to double down on its record of anti-union violence and reassert its hegemony through authoritarian force, including draconian legislation like the Law on Trade Unions (LTU).

On paper, the LTU promises to 'protect the legitimate rights and interests' (RGC, 2016) of workers. In practice, however, it frustrates and criminalises union organisation. Yet though the LTU's harms are undoubtedly grievous, my most striking observation from my years of engagement with the labour movement is the tenacity of workers' resistance, embodied in their rallying call, 'kammakor, torsul' (workers, struggle!). Here I show how, although constrained, grassroots labour struggles adapt to advance despite the RGC's obstructions. I offer this contribution as testament to workers' persistence in the face of extreme adversity, which tenders hopeful insights into the contradictions and contestations that (re)animate zombie neoliberalism. Beyond elucidating the LTU's violence, therefore, I recount the reanimation of labour activism in Cambodia following its enactment. New variants of zombie neoliberalism, I argue, spawn mutations of zombie resistance.

In the Cambodian case, this zombie resistance is marked in appearance from earlier guises of labour organising. As coordinated, large-scale protests are deterred, resistance now takes the form of smaller, more spontaneous insurrection, squared on single issues and single sites. Here, the notion of zombie resistance invokes a deliberate ambiguity: whilst hopeful, its spectre should also be discomfiting for most too, as an uncanny substitute for genuinely free and democratic labour organisation.

In developing this account, I respond to 'concern that authoritarian neoliberalism represents a top-down approach which neglects everyday life and the possibilities for grassroots change' (Bruff & Tansel, 2019, p. 236), addressing calls to 'mov[e] away from domination-oriented accounts of neoliberalism' (Tansel, 2019, p. 289). I argue that legal geography's erstwhile emphasis on 'contingency' (Delaney, 2015), understood as the indeterminate potential of legal outcomes as a product of the complex and dynamic interrelations of law with society and space, can renew understanding of the agonistic struggles that underpin any retrenchment of authoritarian neoliberalism. I use this to reintroduce 'key issues of contestation, resistance and subversion, which are often left out of discussions on authoritarian neoliberalism' (Clua-Losada & Ribera-Almandoz, 2017, p. 31), providing empirical evidence that 'any attempted reshaping of the legal framework is a multilinear, uneven, and contradictory process' (Bruff, 2014, p. 116).

By situating my study in the labour struggles of Cambodia's garment workers, I attend to 'hope that future scholarship might thus help to thicken the legal geographies of ... cognate forms of labour control' (Doucette & Kang, 2018, p. 211). I build on and extend classic work in labour geography that illustrates 'how labour law is shaped through processes of political and social contestation at multiple scales' (Doucette & Kang, 2018, p. 202) by showing how these struggles are reciprocally shaped by labour law. The Global South context is important where 'legal geography has its own geography, its own boundaries and familiar places', which are 'overwhelmingly, Anglophone' (Delaney, 2017, p. 668). Political economy, similarly, must look 'beyond the self-referentiality of Northern social science towards a more democratic structure of theory on a world scale' (Connell & Dados, 2014, p. 134). Here, I address calls for 'a more thorough examination of global South cases hitherto viewed as marginal to the study and especially the (re)constitution of neoliberalism' (Bruff & Tansel, 2019, p. 235), as well as constitutional and legal practice.

I begin by exploring complementary gaps in the literatures on authoritarian neoliberalism and legal geography, highlighting where intersections invite possibilities to untangle the agonistic struggles bound within the rollout of authoritarian neoliberalism. Following this, I outline a set of such struggles in Cambodia, illustrating how the labour movement in the garment sector has become embroiled in contestation with the Cambodian state. Three empirical sections follow that elucidate the legal geography of zombie neoliberalism in Cambodia and its zombie resistances. In the first, I cast a critical lens on the LTU, examining its corrosive effects on freedom of association. The second section outlines how Cambodia's rollout of the LTU is, somewhat paradoxically, embedded in particular norms of constitutionalism and patronage, exemplifying the distinctive character of 'actually existing' (Peck & Theodore, 2019, p. 259) authoritarian neoliberalism in Cambodia. In the final section, I evidence how the contradictions embodied in this authoritarian rollout facilitate and

animate workers' autonomous resurrection of zombie resistance. I conclude by drawing together the article's key findings and outlining its contributions.

2 | CONCEPTUALISING LEGAL GEOGRAPHIES OF ZOMBIE NEOLIBERALISM

In Peck's (2010, p. 109) memorable assessment, neoliberalism may have entered its 'zombie phase'. Today, further from its ideological implosion in the financial crash of 2008, neoliberalism remains the 'dead but dominant' mode of governance worldwide. 'Intellectually discredited' but 'apparently immovable' (Bruff, 2014, p. 114), its endurance owes less to an absence of feasible alternatives than to its 'remarkable shape-shifting capacities' (Peck, 2010, p. 106). Put simply, this restlessly adaptative trait means that 'it fails, but it tends to fail forwards' (Peck, 2010, p. 106). For progressive scholars who seek to deter the onward lurch of crisis, austerity and deepening exclusions, this raises a number of 'urgent' (Bruff & Tansel, 2019, p. 234) questions. These include understanding, first, how 'the practices, policies and ideas associated with 'neoliberalism' reproduce themselves in the face of crises and opposition' and, second, 'in what ways are such attempts at reproduction ... productive of new forms of crisis' (Bruff & Tansel, 2019, p. 234).

This 'living dead neoliberalism' (Bruff, 2014, p. 114) appears prone to such relapse, given it is '(re)animated as much by contradiction as by conviction' (Peck, 2010, p. 107). These internalised antagonisms are captured in the apparent oxymoron 'authoritarian neoliberalism' (Bruff, 2014) whose global rise answers the first of these questions about neoliberalism's reproductive solutions. Proliferating across critical social science scholarship, including economic geography, the concept of authoritarian neoliberalism conveys the 'late-stage mutation' of neoliberalism with a 'yet more brutal face' (Peck & Theodore, 2019, p. 249) following the 2008 crash. It denotes 'a qualitative change' (Fabry & Sandbeck, 2019, p. 110) in how states wield power to maintain hegemony, away from consent-seeking platitudes towards penal policy-making that contains dissent.

The distinctiveness of authoritarian neoliberalism lies partly in its recourse to 'constitutional and legal mechanisms' (Bruff, 2014, p. 116) to enforce these ambitions. Here, authoritarian neoliberalism is understood as a '*spectrum* of disciplinary practices' (Tansel, 2017, p. 6, emphasis in original) that go beyond the coercive power of blunt violence and brutality to include administrative and legal forms that entrench inequality and exclusions. Accordingly, Bruff and Tansel (2019, p. 237) urge that we must 'rethink the relationship between the capitalist state and the role of the law in regulating and reproducing dominant policy paradigms, with law all too often being understood in a descriptive and analytically/politically neutral manner'.

Human geographers, however, have made this conceptual leap. Although once 'essentially lawless' (Delaney, 2015, p. 97), recent decades have fledged a subfield of legal geography, whose distinguishing feature remains a 'refusal to accept either law or space as pre-political or as the unproblematic outcome of external forces' (Blomley, 2009, p. 414). Curiously, however, recent critiques of legal geography note a lack of engagement with political economy (Orzeck & Hae, 2020, p. 838), with inattentiveness to neoliberalism particularly 'striking' (Delaney, 2015, p. 97). These complementary deficiencies across critical subfields of political economy and legal geography beg for dialogue to flesh out the dynamics of neoliberalism as 'not only a political or economic phenomenon, but also an inherently juridical one' (Butler & Crawley, 2018, p. 265).

Indeed, since inception the neoliberal project has been frantically engaged with 'fundamental transformations in legal rules' (Delaney, 2015, p. 97), encapsulated in the fascination with de/re-regulation. Here, work on the fictive nature of the 'free' market (e.g., Polanyi, 1944) has long challenged the 'liberal' claims of the Mont Pelerin project. Instead, 'the most noticeable juridical change in the neoliberal period is the more active role of law' since neoliberal policy 'requires a strengthening of the state' to create the material conditions and subjectivities necessary to foster market competition (Brabazon, 2017, pp. 5–6). As such, law has always been fundamental to the neoliberal project. This long-standing reliance makes it all the more beguiling that until recently law's interrelations with the politics and economics of neoliberalism have been 'almost entirely ignored as a subject of research and debate' (Brabazon, 2017, p. 1).

Beyond emerging work in critical legal scholarship, this gap is gradually being filled by legal geography interventions that provide 'a more critical appreciation of law's violence' (Springer, 2013, p. 538) enacting neoliberal exclusions, including in the empirical contexts of Cambodia (Brickell, 2016; Flower, 2019; Springer, 2013) and labour struggles (Doucette & Kang, 2018; Rutherford, 2013) in which this paper is situated. However, by emphasising the force of legal violence, these contributions tend to focus on the role of law in maintaining hegemony, rather than subverting it. Whilst they offer an increasingly assured answer to the first of the questions I outline here on the reproduction of zombie neoliberalism therefore, they have less to say on the second, regarding the destabilising potential of its inherent inconsistencies.

Yet ‘any attempted reshaping of the legal framework is a multilinear, uneven, and contradictory process’ (Bruff, 2014, p. 116). Work that attends to these intersections of law and its nascent conflicts can identify ambiguities that accompany state strengthening programmes, thereby responding to calls for critical scholarship to ‘mov[e] away from domination-oriented accounts of neoliberalism’ (Tansel, 2019). Here, I argue there is an overlooked potential for legal geography to usefully contribute to our understanding of the entangled nature of neoliberal control and its resistances through an erstwhile thematic emphasis on ‘contingency’ (Delaney, 2015; Orzeck & Hae, 2020), which is underdeveloped in existing accounts of the legal geographies of neoliberalism. The notion of contingency affords conceptual space to detect ‘emerging fissures in the armor of authoritarian states’ (Tansel, 2019, p. 289) even where it appears to be thickening.

Here, the ‘leitmotif’ (Bennett & Layard, 2015, p. 408) of legal geographic scholarship is ‘fine-grained, detailed attention to the complex process of legal constitutivity’, designating the ‘the reciprocal or mutual constitutivity of the legal and the spatial’ (Delaney, 2015, p. 98). Blomley, for example, offers the ‘splice’ as a conceptual device for capturing this recursive imbrication. Splices are ‘locally enacted encodings, which weave together spatial and legal meanings’ (Bennett & Layard, 2015, p. 409). For example, ‘employee’ and ‘workplace’ are ‘mutually dependent’ (Blomley, 2003, p. 13) spatial and legal categories, whereby one makes little sense without the other. Splices provide ‘a language ... through which to talk about law, space, and society without privileging any particular element over another’ (Orzeck & Hae, 2020, p. 838). Thus, whilst Blomley (2003, pp. 13–15) acknowledges that splicings of law and space ‘tend to construct the world in ways that systematically favour the powerful’, their non-hierarchic relation affords contingency, rendering splices open to contestation, where ‘dominant splicings unravel, or get respliced’. This understanding offers a rejoinder to domination-oriented accounts of authoritarian neoliberalism; a reminder that nothing is pregiven, as local contexts condition ‘how law happens’ (Braverman et al., 2014, p.1, emphasis in original).

In this paper, I suggest renewed focus on this contingency can highlight the role of law in (de-)stabilising neoliberal hegemony as it lurches through its ‘zombie phase’ (Peck, 2010, p. 109). In response to criticism that current conceptualisation of authoritarian neoliberalism represents ‘a top-down approach that neglects everyday life and the potential for grassroots change’ (Bruff & Tansel, 2019, p. 236), I use legal geography to flesh out a bottom-up perspective on the slippery, everyday dis- and re-entanglements of law and neoliberalism. Integrating insights from emerging work in critical legal studies, I illustrate a relationship between the two that is ‘not automatic but presents and embodies contradictions and vulnerabilities’ and can thus ‘highlight possibilities for emancipatory change’ (Brabazon, 2017, p. 2). Where the ‘history of political economy is tormented by beasts’ (Harcourt, 2022, p. 1), here I identify another creature that lurks amid the ‘monsters of the market’ (McNally, 2011). I argue that zombie neoliberalism’s contradictions spawn recurrent (re) animations of zombie resistance.

3 | AUTHORITARIAN NEOLIBERAL EXPERIMENTS IN LABOUR REGULATION IN CAMBODIA

‘By the time I got to Canadia [Industrial Park], I could see blood, so I knew that something violent had happened’, recalled Kunthy¹ (24, female, garment worker, 13 July 2015). Following rolling strikes that ‘shut down Cambodia’s entire garment industry between 24 December 2013 and 3 January 2014’ (Arnold, 2017, p. 30), military police intervened to resolve the standoff. Kunthy arrived during the confrontation. ‘As I was driving through, there was fighting all round’, she described. ‘The protestors were throwing stones at the police. The police used shock guns and some were firing real guns’. By nightfall, four striking workers were dead, 38 hospitalised, and 23 arrested (AMRC, 2014). The onslaught made global headlines and rattled observers invested in Cambodia’s turnaround from post-conflict state to ‘new Tiger economy’ (ADB, 2016): a turnaround propelled by a reputation as an ethical sourcing hub in the global garments manufacturing circuit.

The prime beneficiary of free market reforms in the 1990s, Cambodia’s garment sector was beset from inception by abundant labour abuses. A ‘militant’ (Hughes, 2007) union movement emerged, whose early antagonism catalysed a multinational effort at labour reform. Led by the International Labour Organisation (ILO), the result was Better Factories Cambodia (BFC): an ‘innovative’ (Arnold, 2017, p. 24) monitoring experiment enabling Cambodia to evade the ‘sweatshop stigmas’ of garments production, carving ‘a niche as an ‘ethical’ destination’ (Strangio, 2014). This esteem has secured the expansion of the sector. From a handful of factories in the late 1990s, there are more than 600 today (ILO, 2018), boasting a combined export value of \$8 billion annually (ILO, 2018). The sector has fuelled Cambodia’s rocketing GDP growth but encouraged a lopsided and trade-dependent economy, reliant on garments for 800,000 jobs and 70 per cent of merchandise exports (World Bank, 2019).

'If we didn't respect the union and the labour standards, we would be killing the goose that lays the golden eggs', acknowledged Cambodia's Commerce Minister in May 2005 (Strangio, 2014). However, his claims were disingenuous, made 15 months after the assassination of Chea Vichea, president of Cambodia's then-leading union, widely understood to have been orchestrated by state organs (Strangio, 2014). This outward assurance of tolerance and a grimmer reality of repression stems from a 'fundamental tension' (Ward & Mouly, 2016, p. 261) underpinning Cambodia's labour relations. On the one hand, international trade and aid agreements push the RGC to promote worker welfare and good governance, demanding preservation of democratic space. Yet the logics of accumulation in the aggressively competitive garments value chain make contrary demands for cheap labour and a stable social order to retain investor confidence. In practice, Cambodia's 'shock therapy' (Flower, 2019, p. 2410) conversion to neoliberal norms of stripped back public services and unfettered accumulation offer little scope for the promotion of workers' interests.

The RGC manages this contradiction through a dissonant approach, cautiously preserving legitimacy through a veneer of liberal freedoms, whilst deploying authoritarian tactics to 'stamp out any hint of instability' (Strangio, 2014). Where superficially a grassroots network of 3000 factory-level unions incorporating 60 per cent of workers (Nuon & Serrano, 2010) indicates a movement in robust health, external repression and internal fractures limit its collective capacities. Vichea's brazen murder, bookended by the deaths of two further unionists within months, 'cast a pall of fear over the labour movement', leaving it 'cowed and divided' (Strangio, 2014). Simultaneous RGC co-optation produced pro-government syndicates, operating almost as 'direct components of the state' (Arnold, 2017, p. 28). Now two-thirds of registered unions, these renegades have further 'diluted the power of the labor movement by diffusing its membership among hundreds of groups' (Strangio, 2014).

Nevertheless, though a convincing hypothesis, the RGC's interference only partly accounts for the taming of labour militancy. Its coercion has been aided by regulatory reforms of transnational actors, reinforcing state hegemony at the expense of radical grassroots organisation. BFC, for example, advocates 'administrative solutions to grievances' (Hughes, 2007, p. 846) and 'cooperation between capital and labour' (Ward & Mouly, 2016, p. 26). Encouraging 'social dialogue rather than confrontational industrial action' (Ward & Mouly, 2016, p. 26), the spectre of once radical agonistic politics has been sublimated under 'a cautious, atomizing, problem-solving neoliberal order' (Arnold, 2017, p. 26). It has both incentivised the development of professionalised unions operating within the labour rights bureaucracy, and a passive workforce disciplined to defer to juridical due process. Thus 'demobilizing and depoliticizing contentious groups' (Hughes, 2007, p. 834), it is consistent with the ILO's 'ambivalent' advocacy elsewhere of 'free trade unions' but not strong ones' (Rutherford, 2013, p. 27).

Though seemingly discrete, these tactics of violent coercion and consensus building are self-reinforcing. As I have argued elsewhere (Lawreniuk, 2020), far from being separate or even antithetical dimensions of Cambodia's development, neoliberalism and authoritarianism have thrived symbiotically. Despite typically precarious and hazardous conditions of work, BFC 'secures legitimacy' (Arnold, 2017, p. 26) by certifying the industry's 'ethical' credentials. This undermines the objections of critical unions, and 'discourages a view of militant workers as champions of the oppressed' (Hughes, 2007, p. 846). Juxtaposing them with BFC's objective authority, the RGC casts militants as partisan opponents of the state: an 'irresponsible drag on the flourishing Cambodian economy' (Hughes, 2007, p. 846). Conflating labour activists with 'gangsters', 'anarchists' (Wong & Sun, 2014), or 'terrorists' (Cain, 2014) enables the RGC to pursue repression with 'increasing impunity' (Hughes, 2007, p. 846).

Nonetheless, these efforts to discipline labour have proven vulnerable to resistance from below, as a hegemonic project fraught by its own contradictions. Curtailing union capacity has 'precluded the potential for material and social gains' (Arnold, 2017, p. 28). Where the 'period of militancy between 1996 and 2001' leveraged 'large wage rises' (Hughes, 2007, p. 844), real wages then declined from 2001 to 2013 (ILO, 2018) as GDP growth soared. Indeed, this juxtaposition illustrates the failure of the trickle-down assumptions embedded in Cambodia's 'shock therapy'. Yet, as Springer argues (2010, p. 941), neoliberal subjectivities are so deeply inculcated in Cambodian policy-making that the 'supposed 'necessity' of the free market' still yet reigns, 'premised on a dichotomous 'either/or' political imagination that sees the whole-sale embrace of capitalism as the only alternative to communism'. Here, too, neoliberalism proves 'dead but dominant' (Peck, 2010, p. 109): ideologically bankrupt yet immobile. Instead, festering disquiet with this 'permanent austerity' (Bruff & Tansel, 2019, p. 233) has fostered 'highly contentious relationships between workers and employers' (Ward & Mouly, 2016, p. 268), provoking a 225 percent uptick in strikes between 2010 and 2013. Moreover, local activism has periodically fed into mass mobilisations of workers antagonised by the worsening terms of Cambodia's neoliberal settlement.

The strikes of late 2013 evidence both the scale of discontent and workers' capacity to open spaces of struggle outside 'sanctioned sites of participation' (Hughes, 2007, p. 834). Hundreds of thousands joined the 'autonomous strike by rank-and-file workers' (Arnold, 2017, p. 30), who 'voluntarily created actions and participated in them without instructions

from the union federations' (AMRC, 2014, p. 8). Under pressure from manufacturers to end the protests, the RGC deployed military police, invoking customary smears to justify the deployment of troops. By noon on 3 January, four workers were dead following an indiscriminate volley of AK47 fire. 'We were afraid about the security so we had to crack down on them', a military spokesman (BBC, 2014) explained in the aftermath. 'If we allow them to continue the strike it will become anarchy'.

Global brands condemned the killings. Yet their statements of 'grave concern' and calls for 'industrial peace' (Zsombor, 2014) exhibited a collective amnesia. Rather than a moment of brutality, the deaths marked the continuation of the RGC's rebuke of independent unions, long policed by violence from above. The crackdown initiated a longer-term codification of this repression where, alongside physical intimidation, the RGC uses the judicial system to silence critics (McCarthy & Un, 2017, p. 105). In the first empirical section of this paper, which follows, I examine the LTU as an exemplification of this strategy. In doing so, I highlight the 'spectrum of disciplinary practice' (Tansel, 2017, p. 6, emphasis in original) exhibited in Cambodia's crackdown, attending to 'the role of the law in regulating and reproducing' (Bruff & Tansel, 2019, p. 237) neoliberalism. Building on legal geography scholarship, I eschew a descriptive and analytically/politically neutral account to offer a 'critical appreciation of law's violence' (Springer, 2013, p. 538). This is not intended to give a full account of the LTU's impacts (see CCHR, 2016) or the RGC's institutional labour reforms (see Ford et al., 2021). Instead, I illustrate how the RGC has weaponised 'legal liminality' (Doucette & Kang, 2018, p. 205) to disarm union opposition by frustrating the right to organise and encouraging self-censorship.

4 | LAW'S AUTHORITARIAN (RE)TURN: ENACTING LEGAL LIMINALITY THROUGH THE LAW ON TRADE UNIONS

'Since the shooting on Veng Sreng [Street] until now, there is almost no activism in the garment industry in Cambodia', lamented the general secretary of one of Cambodia's leading union federations (federation General Secretary, female, 18 February 2020, interview in English). 'Everyone is scared of the new gift the government gave to the trade unions: the Trade Union Law'. Initially mooted in 2010 and revived following the 2013 unrest, the LTU passed in May 2016 despite opposition from labour activists and advocates. One of several new laws that targets garment workers, it is nonetheless considered by unions to be 'the main problem we face now' (federation President, male, 23 November 2017) and a 'grave threat' to their ability to organise (CCHR, 2016).

The LTU does not directly prohibit labour organisation. Instead, it frustrates the everyday activities of unions, making 'burdensome' and 'ambiguous' (CCHR, 2016, p. 3) requirements beyond the capacity of their small resources and skeletal staff. One example is a new requirement for branches to formally register their association by submitting a 'lengthy list of documents' to the Ministry, which can refuse with 'no possibility of an appeal' (CCHR, 2016, p. 3). Accordingly, unions report long delays and obstructions, with no means to hold the Ministry to account. 'It's taking our office two months to process one branch, working all day and all weekend', one leader complained (federation Vice President, male, 15 November 2017). 'We have to collect and send all their documents to the Ministry. If there's any mistake, they will send it back, we have to correct it, then they will take one month to do it again'. Whilst documents are being processed, aspirant leaders remain exposed to reprisals:

Before, if they were dismissed [for forming a union], we found it possible to settle with the employer. But now, without a certificate of registration, we can't do anything. So we can't seek a settlement if they are dismissed for starting a union!

(federation General Secretary, male, 22 March 2017)

Moreover, the requirements apply retroactively to existing branches. Beyond frustrating potential, therefore, the LTU has neatly reversed the accomplishments of two decades of past organisation. 'Before, we had almost 100,000 members but that's only in the past now', another leader sighed (federation Vice President, male, 15 November 2017). 'It will take years to register all our workers'. This Sisyphean task is an unwelcome – or for the RGC, convenient – distraction from other roles. 'When it took effect, the most impact was on the daily work of the trade union itself', one branch leader outlined (branch President, female, 2 February 2018). 'After this, it may mean the union can no longer exist in the factory ... We can no longer operate effectively'.

An added challenge for complying is the Ministry's right, under Article 15, to 'change the requirements at any time' (CCHR, 2016, p. 3). This is one of several articles that introduces deliberate ambiguity. Another, for example, prevents the right to strike 'for purely political purposes' and prohibits action that seeks to 'to incite or threaten or to violently disturb or coerce' (CCHR, 2016, p. 3). Such clauses are sufficiently 'subjective and broad' (CCHR, 2016, p. 3) that they apply to most activity and are impossible to uphold. Unions are, by nature, centres of political activity and their associational and structural power depends upon their ability to rouse support and create disruption. Nonetheless, the penalties for breach are severe, including the organisation's permanent dissolution and criminalisation of leaders (CCHR, 2016).

'You need to follow the law set 100%', one leader asserted (branch President, female, 2 February 2018). 'Even if you are 0.1% away, you will be arrested and thrown in a cell'. The ambiguous and fluid provisions mean such fine margins are rarely guaranteed, however. Here, the LTU parallels other legal interventions by the RGC, including the Law on Associations and NGOs [LANGO] (2015). The LANGO similarly layers complex yet vague requirements, ensuring 'many stakeholders ... do not know how and where they might be in breach' (Curley, 2018, p. 262). Rather than accidental, however, this intentionally 'render[s] them subject to a type of arbitrary power' (Curley, 2018, p. 262). Broad and subjective terms leave the LTU's powers 'open to abuse to threaten, harass, or illegitimately restrict the operation of unions' (CCHR, 2016, p. 3). As such, Cambodian activists knowingly inhabit a space of 'legal liminality' (Doucette & Kang, 2018, p. 205; see also Parsons & Lawreniuk, 2018), which 'reconstructs the line between legality and illegality in ways that foment distrust, fracture communal and individual subjectivities, shape people's everyday practices' (Schoenberger & Beban, 2018, p. 1339). Perpetual risks of transgression and criminalisation have a powerful affective import, stimulating a 'unsettling fear' that leads individuals 'to self-censor or be censored' (Schoenberger & Beban, 2018, p. 1339).

This corruption of legal norms is strategic where their apparent neutrality was previously regarded as foundational to union strength in Cambodia. 'At first [when I joined the union], I was very fearful I would get punished or killed', recalled one leader (federation Vice President, male, 15 November 2017). 'But after I joined the union, I learned about the labour law ... After I learned more, I feared less'. Although the judiciary and criminal law system sit within the 'tight control' (Amnesty International, 2017, p. 4) of the RGC, labour disputes are mediated separately by the Arbitration Council, an independent quasi-judicial body. In a country that 'lacks credible and independent judicial institutions', the Council is 'one of the only institutions ... considered to be almost free from corruption' (DiCaprio, 2013, p. 112), regarded 'by workers and unions to be efficient and neutral' (Ward & Mouly, 2016, p. 264).

The steep decline in cases processed by the Arbitration Council, shown in Figure 1, clearly evidences the erosion of unions' collective capacities after the LTU. In the two years before the LTU passed in May 2016, the Council made an average of 18 award decisions each month. In the first three years since, this declined to just six. A branch leader summarised the decline:

Back in 2012, our union was very active in solving all the problems. Even small or big, we will solve it. We went on strike or to protest. We have to do this to get benefits for our workers. Now in the last one or two years we couldn't do this like before because of the new law. You have to follow all the rules and regulations or they charge you.

(branch President, male, 7 February 2018)

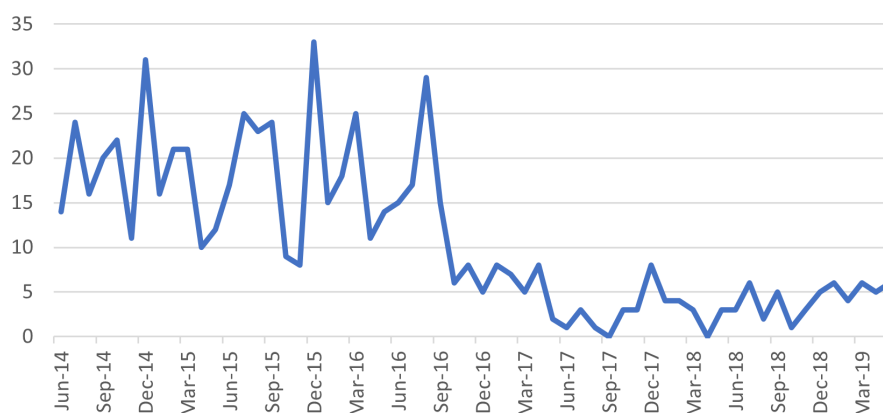


FIGURE 1 Collective dispute awards by the arbitration council between June 2014 and May 2019

'After the trade union law was passed', another agreed, 'all the rights of the workers were blocked' (federation President, male, 17 November 2018).

The LTU is one example among a suite of legislation the RGC has recently deployed in its crackdown on opposition. Scholarship elsewhere has considered others, including the Law on Associations and NGOs (Curley, 2018) and amendments to the Laws on Political Parties and National Assembly Members (Lawrence, 2020). This resort to legislative strategies to suppress dissent parallels illiberal change elsewhere, often conceived as an 'authoritarian turn' (Arsel et al., 2021, p. 261) in world politics. However, given the long-term and inured entanglements of neoliberalism and violence, this may not be the clear directional shift that the term 'turn' indicates, and more a renewal or strengthening of these lingering authoritarian tendencies within neoliberalism. The RGC, for example, has a long and documented history of 'lawfare' (Heder, 2011), subverting 'rule of law' to 'rule by law' (Brickell, 2016, p. 182). Whilst not a novel tactic of governance, its use has, however, intensified since 2013 (McCarthy & Un, 2017).

In Southeast Asia the cross-territorial coincidence of this 'authoritarian turn' has been depicted as 'autocratic innovation' (Morgenbesser, 2020) or 'borrowing' (Lawrence, 2020). Such understandings are, however, necessarily limited. Cambodia's experience is not an elective, emulative or top-down imposition of autocratic will but a more cumbersome and contingent process rooted in and responsive to local geographies. Although imbricated in wider trajectories of global change, notably through deepening integration into the 'free' market, attempts to reanimate zombie neoliberalism in Cambodia articulate with its own political norms and culture. Thus, the re-splicing of law, space and society has given rise to a distinct mutation of authoritarian neoliberalism 'with Cambodian characteristics' (Lawreniuk, 2020; cf. Springer, 2011). In what follows, I highlight two such characteristics – constitutionalism and patronage – before turning to illustrate how the contradictions they embody animate novel forms of zombie resistance.

5 | LEGITIMATING LAWFARE: CONTRADICTIONAL CONSTITUTIONALISM AND PATRONAGE POLITICS

A model of 'authoritarian constitutionalism' (Lawrence, 2020), Cambodia's example signals how 'legal indeterminacy' (Brabazon, 2017, p. 7) invites authoritarian embrace, since 'the tools for 'abusive' or 'authoritarian' constitutional practices are already written into constitutions' (Lawrence, 2020, p. 234). Where critics claim the RGC's interventions override constitutional norms, they overlook that the RGC spurns the constitution only at its peril. The RGC's relationship to the constitution is deeply symbiotic: it claims legitimacy as the broker and custodian of Cambodia's peace, a feat embodied in the 1993 Constitution. As such, 'the constitution and the vocabulary of constitutionalism are in fact central to the [ruling Cambodian People Party's] current attempts to consolidate and legitimate its rule' (Lawrence, 2020, p. 231). Even as the 'formally liberal-democratic' character of the Constitution is being 'hollowed out' (Lawrence, 2020, p. 227), the RGC frames its interventions in defence, not defiance, of its precepts. The continuing crackdown is regularly proclaimed by senior government officials 'to enhance the rule of law in Cambodia' (Willemyns, 2016).

This is an interpretative argument, where the RGC perceives that its constitutional responsibilities for social order override individual guarantees of freedom. 'Our unique history made 'peace and stability' the core value to be preserved at all costs', a Foreign Affairs Minister has elaborated (Willemyns, 2016). The Prime Minister (Say et al., 2017) similarly affirms, 'We respect rights, not the rights of anarchy, [but rather] the rights of the rule of law'. Their stance challenges prevailing orthodoxy on regulation of labour rights. Cambodia's labour abuses, like elsewhere in the South, are often blamed on a lack of regulation, as 'legal frameworks are often weak and/or their implementation insufficient to protect worker's rights' (Salmivaara, 2018, p. 329). However, the LTU illustrates that it is not an absence of legal frameworks in Cambodia that undermines labour struggles, but the co-option of legal frameworks by political elites to serve the entwined interests of the state and capital. Never neutral, the law bends to the prerogatives of its protagonists.

This elevation of political stability as the 'core value to be preserved' reciprocally feeds contestation over the role of civil society in Cambodia, and specifically its position within or against existing networks of political patronage. Development partners typically promote a 'liberal-style' – autonomous and agonistic – civil society as a means of 'overcoming and transforming the traditional political and cultural dimensions of authority' (Landau, 2008, p. 248). Cautious to preserve these sources of its power, however, the RGC remains sceptical of the possibility of 'loyal opposition' (Landau, 2008, p. 249). Instead, it promotes an 'alternate view' of state–society relations that 'conscious[ly] manipulate[s]' (Landau, 2008, p. 249) 'traditional' values and governance styles: where beneficence and deference satisfy an ideal of non-confrontation.

While using statute to crush agonistic elements, therefore, the RGC also promotes a rival model of labour organisation, luring workers into its patronage networks. The LTU penalises independent unions, whilst privileging

government-affiliated factions by ensuring rights like collective bargaining are reserved for unions with 'most representative status' (MRS), a status based on proportionate membership and secured by government syndicates through collusion with factory administrators (Ward & Mouly, 2016). Moreover, prominent leaders of government-affiliated federations have been granted the honorific title, 'His Excellency', typically reserved for government advisors.

The RGC wages this campaign among grassroots members, too, offering improved benefits designed to ameliorate material deprivations and mollify any latent embers of unrest: an increased minimum wage for the sector; free public transport; maternity bonuses. Cultivating his personalist authority, the Prime Minister has pitched this deal personally to garment workers at mass rallies across the country. Participants are given US\$5 in cash, marked as 'a gift from Hun Sen and his wife' (Reed, 2018), and a lucky few selected to snap selfies with their leader. In this way, the Prime Minister directly addressed half a million workers within a few months (Handley, 2018); a reach amplified by his personal Facebook page, perennially popular among workers.

As a demographic, garment workers have been customarily starved of attention by the RGC, more focused on courting its traditional rural-agrarian base (Hughes, 2015; Lawreniuk, 2020). Some described the rallies as a welcome opportunity to 'see the Prime Minister's face because they never saw it before' (branch President, male, 31 January 2018). Though designed to cultivate a new stream of electoral clients, however, the impacts have been at best ambiguous, even counterproductive. Following decades of neglect, the shallow nature of these engagements could not temper workers' impressions of state indifference. Many complained that the RGC had made no effort to learn about workers' experiences through dialogue or consultation. 'They go to the factory for a show, it's just acting', a federation leader surmised:

The Prime Minister gives advice: what to do; what good he has done; what they should appreciate. But there is no chance for workers to talk about the real pressures: their income and their activity in the factory. It's all shut down. He goes but he doesn't listen with good intentions.

(federation Vice President, male, 1 February 2019)

These accounts support suggestions that the success of the RGC's clientelist strategies is fading (Loughlin, 2021; Norén-Nilsson, 2016). The inorganic, top-down formulation of the RGC's 'gifts' to workers left them unappreciated, failing to engage with workers' lived experiences and own demands for change. Promised wage increases, for example, fail to keep pace with inflation; maternity bonuses of US\$100 awarded on delivering a baby could not compensate the lack of childcare in early years. As such, 'The policies the government makes now will have little impact on our lives', one worker shrugged (branch member, female, 5 February 2018). Chetna similarly challenged, 'Their proposals make things worse. We can't turn those benefits into a good living' (branch President, female, 2 February 2018).

Cambodia's recent history illustrates what government risks when alienated from its constituents. The labour unrest of 2013/14 is a compelling example that 'when a state consistently maintains a neo-patrimonial position of not listening to the demands of the people ... its legitimacy is compromised and violence from below erupts as workers' frustrations boil over' (Arnold, 2017, p. 30). Today, though the RGC's consent-building has stalled, it will trust that new legislation can contain the labour movement's agonistic factions, protecting it from renewed discontent. In the next section, however, I aim to unsettle this resolve. Against a 'top-down approach' to authoritarian neoliberalism that 'neglects everyday life and the possibilities for grassroots change' (Bruff & Tansel, 2019, p. 236), I show how workers subvert the LTU's disciplining effects.

Employing an ethnographic approach, I centre legal geography's emphasis on 'contingency' and the 'actual messiness' of socio-legal relations and outcomes 'on the ground' (Orzeck & Hae, 2020, p. 837). Here, I show how rather than halting labour activism, the LTU has re-scaled and re-spatialised it: delinking action from the disciplining effects levied on and by the trade union; and moving contestation from the courtroom to the streets. In doing so, I reintroduce 'key issues of contestation, resistance and subversion ... left out of discussions on authoritarian neoliberalism' (Clua-Losada & Ribera-Almandoz, 2017, p. 31), forwarding calls for 'a critical political economy of emancipation rather than one focused on domination' (Clua-Losada & Ribera-Almandoz, 2017, p. 43).

6 | ZOMBIE RESISTANCE: REANIMATED ACTIVISM

'It was workers' idea because we did not have any other option', Dara (branch member, male, 27 March 2018) insisted from a 24-hour picket at his factory in a provincial town. The factory had failed to pay timely and complete salaries for several months, citing financial difficulties. Frustrated, Dara and his colleagues organised a roadblock, halting traffic on

the highway outside the factory to attract the attention of local authorities. Management first fired 600 workers participating in the action, before conceding bankruptcy and, finally, fleeing the country. To protect missing wages and other entitlements, workers barricaded the factory gates and began a round-the-clock picket to prevent the owner from retrieving stock and equipment that could be liquidated to settle outstanding liabilities.

Dara's actions exemplify an increasing trend. Where the LTU has blocked workers from pursuing grievances through formal legal channels, they have found alternative avenues to voice discontent. As Figure 2 illustrates, although labour protests were initially negatively impacted by the LTU, similar to Arbitration Council disputes (cf. Figure 1), there has since been some recovery. Indeed, in 2019, 3 years after the LTU's ratification, the Garment Manufacturers' Association of Cambodia (cited in Niem, 2019) complained of 'an increase in illegal strikes in the garment, footwear and travel sector ... led by some ill-intentioned unions'. The Ministry of Labour intervened, appealing for unions to uphold due legal process. However, as Dara explained, his colleagues had taken the decision to protest against the wishes of their federation.

Most participants were, nonetheless, union members. Previously, they approached the federation for assistance, but it was slow to respond. Over at the federation office in Phnom Penh, the representative handling the case explained the LTU prevented the federation from opening a legal dispute. 'The trade union law has greatly affected our role', he disclosed (federation Legal Officer, male, 28 March 2018):

When problems like this happen, we need to gather signatures of 30% of workers to allow our representative to prepare the case on behalf of the workers. If we don't get that, we can't do it ... The old law made it easier for me to solve this problem.

Thereby obstructed from seeking redress through formal legal channels, workers felt compelled to pursue direct action. 'We feel scared and worried, but we don't have a choice', Dara's colleague, Sary, reiterated. '[The federation] advised us that it was not right', Dara underlined, 'but we did not have any other option and we could not stand any more'.

The tension between federation and membership speaks to the historic vertical divisions within Cambodia's labour movement (Doutch, 2021; Lawreniuk & Parsons, 2018). The professionalisation of the movement under the ILO's reforms, described above, means formal and often masculine spaces of executive power pursue a distinct politics, practices and demands from the constituency of mostly female members at the grassroots. Internal contestation has been viscerally foregrounded at critical junctures, such as during the 2013/14 unrest when rift ceded to rupture as federations, 'whether government controlled or 'pro-worker', were largely unable to lead or contain the protests' (Arnold, 2017, p. 30). Today, although the LTU inhibits federation bureaucracy, it does not stymie the everyday frustrations of the shop floor. Moreover, by preventing executive leaders from channelling grassroots grievances through sanctioned fora, it compels workers to seek new outlets for dissent. The resurgence of activism since 2018 is not, therefore, orchestrated by 'ill-intention unions' from above, but a wave of wildcat protest by the rank-and-file. It is this emergent autonomism that I describe here as a form of 'zombie resistance'. Where the LTU has severed the organising brain of the federation from its membership body, this has reanimated a set of new, if fragmented, grassroots struggles.

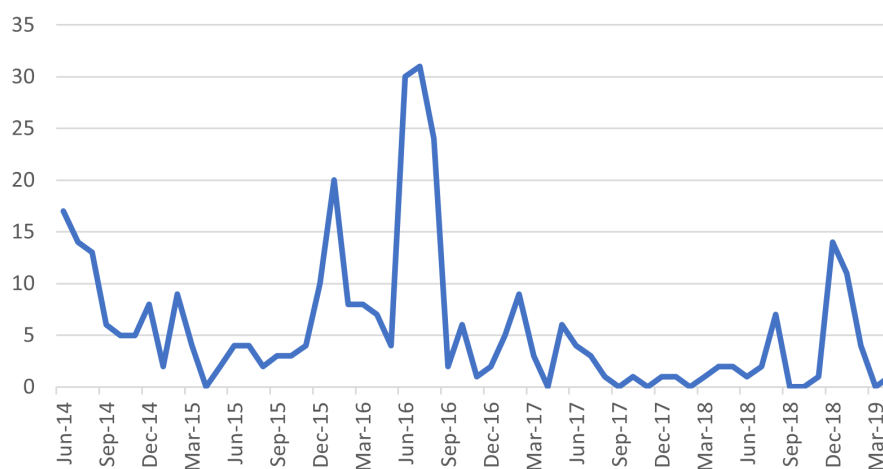


FIGURE 2 Labour protests in Cambodia, June 2014 to June 2019

The non-stop picket at Dara's factory extended into a six-month stand-off. Female workers guarded the gates day and night; women reasoned to be 'less prone to violence from security personnel' (Hennings, 2019, p. 103). Nonetheless, whilst they cross-stitched or nursed infants, they faced multiple threats: from arrest and physical violence by authorities, to the implicit dangers of the state's violent *inaction*. The 'ongoing impunity of those connected to power' (Springer, 2011, p. 2556) means workers feared 'the employer might hire gangs to make trouble' (branch President, male, 12 February 2018) and, at one point, he 'threatened to drive and hit the workers with his car' (branch member, female, 14 February 2018). Contrary to their depiction as seasoned activists, most workers were participating in direct action for the first time and the intimidation weighed heavy. 'I never did any activity like this before, but I have to do it because I have no trust in the employer anymore. I am afraid of everything', another worker, Bopha, confided (branch member, female, 14 February 2018) as the protest entered its second month.

To counter such dangers, however, these novice activists forged novel tactics of resistance. Co-opting the state's Janus-faced hegemony, they appropriated the RGC's paternalist and constitutionalist rhetoric to weave into their own normative claims and narratives. Meetings with provincial authorities, for example, reached initial agreement for a compensation package before collapsing fruitlessly. 'We, as workers, depended on government officials', Bopha complained (branch member, female, 2 March 2018), 'but it brought no result that made us happy. We had to stay outside the factory, sitting under the tent with sadness'. Dissatisfied with their treatment, workers upscaled the target of their protest, training sights on the Prime Minister himself. To avoid provoking the RGC's wrath through explicit criticism, they made cautious overtures to court favour, appealing to the executive for assistance in overcoming the provincial authorities' obstructions. 'Being a Prime Minister, he has duties to help us', Bopha insisted (branch member, female, 2 March 2018). 'We are like his children. If he does not help us when we have a problem like this, it would be strange'.

Three weeks later, I returned to the picket. A large banner hung beside the tarpaulin sheet under which workers sat by day, sheltering from the heat and fumes of the open highway. It displayed images of the Prime Minister and First Lady, alongside an appeal for help. Workers exploited the factory's strategic location near to the premier's private residence to call his attention to their struggle. 'Our sign says please Prime Minister, see us as your citizens, we need your help to solve our problems', Dara elucidated (branch member, male, 27 March 2018). Some of his colleagues had used Facebook to 'send messages to Prime Minister Hun Sen', he elaborated. 'We feel optimistic about the Prime Minister', he affirmed. 'We strongly hope that he will help us'. Sary agreed:

We want him to know about our situation because we are very miserable. The owner has come to operate the factory in our Cambodia but they don't have money to pay for the workers' salaries. We want our Prime Minister who is the leader of Cambodia to know about this and protect the Cambodian workers.

(branch member, female, 8 March 2018)

Directly quoting the Prime Minister's constitutionalist rejoinders, Bopha surmised, 'we don't want the foreigners to oppress Cambodian citizens. Now Cambodia has the rule of law' (branch member, female, 14 February 2018).

The RGC insists federation leaders with political ambitions and partisan tendencies 'incited' the 2013/14 unrest. Most analysis, however, depicts an 'autonomous' uprising (Arnold, 2017, p. 30), advancing whilst federations advocated retreat. The radical orientation Cambodia's unions exhibited in the 1990s had already been corralled through regulation by the mid-2000s into a technocratic tendency (Hughes, 2007), as the RGC and ILO redirected labour militancy through formal mechanisms like the Arbitration Council to protect Cambodia's investment climate from a burgeoning politics of disorder. Reliance upon regulation to contain dissent, therefore, is not a product of late neoliberalism in Cambodia. Here, as elsewhere, neoliberalism was always, already a juridical project: frantically engaged with 'fundamental transformations in legal rules' (Delaney, 2015, p. 97), as it 'requires a strengthening of the state' (Brabazon, 2017, p. 5) to create the necessary material conditions and subjectivities to foster market competition.

The RGC's rejection of workers' frustrations as a legitimate and organic expression of discontent has seen it crack down on unions to curb unrest. However, its misperceptions engender an ironic outcome. Effectively disbaring arbitration by preventing unions from offering legal support, workers have 'no choice' but to seek settlement through alternative means, triggering a renewal of wildcat action endemic before earlier reforms. Simultaneously, the RGC's paternalist overtures and material incentives attempt to cultivate personalist attachments with the garment workforce. Enforced detachment from the employee–employer binary framed by arbitration disputes, however, has encouraged workers to identify wider, structural causes of their exclusion and marginalisation. In response, Cambodia's new wave of wildcat protest has upscaled attention from the factory to the national state. The 'remarkable shape-shifting capacities' (Peck, 2010, p. 106) of zombie neoliberalism are thus met dialogically with transformations of zombie resistance.

This reanimated activism breaks with previous garment worker insurgency in Cambodia. Smaller in scale than the mass rallies of 2010 and 2013, though still confrontational it is not oppositional, embodying a tendency observed in authoritarian Southeast Asia of 'resisting with' – rather than against – 'the state' (Kenney-Lazar et al., 2018, p. 1305). Cambodia's garment workers have adopted the RGC's discourses of constitutionalism and paternalism to challenge it on its own terms, illustrating the chasm between rhetoric and practice. Although less spectacular than past 'politics of disorder' (Arnold, 2017), this zombie resistance has nonetheless proven able to 'jump scales' from the grassroots to leverage gains from the state. In 2018, the RGC introduced a new severance pay system to insure workers against the risk of future closures, as well as creating a multi-million-dollar state fund to compensate workers already affected. In June that year, 7 months after Dara and his colleagues began their campaign, they received compensation worth almost US\$1000.

7 | CONCLUSION

Emerging consensus across the social sciences links an advance of authoritarian governance to a defence of neoliberalism: the latest incarnation of a 'zombie' (Peck, 2010) project ideologically exhausted but unwilling to retire to its final resting place. A monster mashup of contradictions, this latest mutation of 'authoritarian neoliberalism' (Bruff, 2014) continues its 'fail forwards' (Peck, 2010, p. 106) through a lurching embrace of 'constitutional and legal changes that seek to insulate it from social and political conflict' (Bruff, 2014, p. 113). Given these entanglements, scholars call for research that highlights 'the role of the law in regulating and reproducing' (Bruff & Tansel, 2019, p. 37) this 'living dead neoliberalism' (Bruff, 2014, p. 114).

In this paper, I argue legal geography can leverage this critical intervention, with an empirical focus on labour regulation in Cambodia's garment and footwear industry. Though an 'interdisciplinary project' (Delaney, 2017, p. 667), legal geography has yet to fully engage with political economy (Orzeck & Hae, 2020, p. 838), and neoliberalism in particular (Delaney, 2015, p. 97). Through an institutional ethnography exploring the grounded impacts of Cambodia's Law on Trade Unions, I show how law has been weaponised to obstruct independent union organisation. Against an uplift in popular dissent against Cambodia's 'kleptocratic' (Springer, 2011) neoliberal hegemony, this is part of a broader state campaign employing legislative strategies to choke civil society and deter rebuke.

Where, to date, work on the intersections of law and neoliberal polity emphasises the former's role in reproducing hegemony, here I tender a more hopeful account elucidating how these efforts invite contestation, renegotiation and rupture. Tansel (2017, p. 12) suggests that 'downscaling from a state-level analysis to studying the concrete effects of authoritarian neoliberalism on everyday lives helps us understand ... the conditions of possibility for resistance'. Here I suggest legal geography is apt to navigate this scale-shifting terrain. Attending to the 'granular detail' of the 'dynamic inter-weavings' of 'law, geography, politics, power', a legal geographic approach foregrounds 'complexities, disconnections and reversals' to unravel 'how unjust geographies are made and potentially un-made' (Delaney, 2017, p. 268).

By illustrating how workers resist and subvert authoritarian neoliberalism in Cambodia, igniting autonomous actions outside censored spaces but within state-sanctioned discourses, I build towards a coveted 'critical political economy of emancipation rather than one focused on domination' (Clua-Losada & Ribera-Almandoz, 2017, p. 43). I demonstrate how 'attempts at [late neoliberal] reproduction' are, themselves, 'productive of new forms of crisis due to their contradictory nature' (Bruff & Tansel, 2019, p. 234). The state's attempt to insulate itself from dissent has – ironically, if predictably (Bruff, 2014) – centred it as a direct target of popular struggles. Affirming, therefore, that domination and resistance 'cannot exist independently of each other ... the one always contains the seeds of the other' (Sharp et al., 2000, p. 20), I argue that zombie neoliberalism's 'frenzied attempts to reboot', given that they are '(re)animated as much by contradiction as by conviction' (Peck, 2010, p. 107), will spawn recurrent (re)animations of zombie resistance.

Finally, however, I underline that these forms of localised resistance, whilst sometimes achieving impacts beyond what we might expect, are no replacement for an organised, coordinated and coherent union movement. They are not yet a credible route by which workers can achieve a greater degree of equity, dignity or power over the longer term. As Harcourt argues (2022, p. 21) in a recent intervention on the rise of the Behemoth – another beastly metaphor borrowed from the Frankfurt School that embodies 'the wilful and intentional deployment of chaos and disorder as a way of governing' as 'a key model to better understand our current forms of capitalism' – we are never bound to whatever bestial or fiendish mode of political economy we currently inhabit. Instead, 'we have the ability to organize and form ourselves in the image we choose' (Harcourt, 2022, p. 22). To achieve meaningful transformation, however, requires 'the ambition of cooperation' as 'a back-and-forth, from praxis to theory, from theory to praxis, with a constant confrontation and an appreciation for that confrontation.' Yet the state's programme of intensified interference, harassment and violence towards

Cambodian activists deliberately obstructs the potential for this 'ambition of cooperation' to germinate in such a space; requiring 'conscious action of the sort that would be impossible for zombies' (McNally, 2011, p. 103).

In many ways, therefore, the 'zombie resistance' that I caricature here is a 'dead but dominant' (Peck, 2010, p. 109) reanimation of labour struggles in Cambodia, much like the 'dead but dominant' reincarnation of zombie neoliberalism itself. It is hard to argue this is an optimal solution for an organised labour movement and it is hard to conceive how the movement can grow beyond episodic incidents of insurrection, yet alternatives remain foreclosed, at least for the time being. Before 2016, the independent union movement in Cambodia was building momentum and had won important gains, particularly in terms of the minimum wage. It has now been decimated and this is unequivocally a travesty for Cambodian workers. I have no wish to be an apologist for state violence and I invoke the notion of zombie resistance for this constructive ambiguity. Whilst it has won successes and will be feared by capital, the spectre of zombie resistance will be discomfiting for progressives too, as an uncanny substitute for independent and democratic labour organisation.

ACKNOWLEDGEMENTS

Thank you to all the workers and activists who contributed time in the production of this piece, and yet who cannot be named here for fear of reprisal. Solidarity forever.

DATA AVAILABILITY STATEMENT

The data that support the findings of this study are available from the corresponding author upon reasonable request.

ORCID

Sabina Lawreniuk  <https://orcid.org/0000-0002-7165-9481>

ENDNOTE

¹ To mitigate risk of reprisals, the names of all individuals in this article and the organisations with which they are affiliated have been changed to preserve their anonymity.

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How to cite this article: Lawreniuk, S. (2023) Zombie resistance: Reanimated labour struggles and the legal geographies of authoritarian neoliberalism in Cambodia. *Transactions of the Institute of British Geographers*, 48, 39–55. Available from: <https://doi.org/10.1111/tran.12564>